

(2023) 09 MP CK 0027

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 37157 Of 2023

Vishal Bansal And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-09-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 195A, 294, 365, 366A, 376, 506
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4

Citation : (2023) 09 MP CK 0027

Hon'ble Judges : Roopesh Chandra Varshney, J

Bench : Single Bench

Advocate : Rishikesh Sharma, Girraj Soni

Final Decision : Allowed/Disposed Of

Judgement

Roopesh Chandra Varshney, J

This is the first application under Section 438 of the Cr.P.C filed by the applicants, who apprehend their arrest in connection with Crime No.457/2023 dated 18/7/2023, registered at Police Station Thatipur, District Gwalior, for the offences punishable under Sections 294, 195-A, 506, 34 of IPC.

It is the submission of learned counsel for the applicants that earlier complainant lodged an FIR against the applicants which was registered vide Crime No. 325/2021 by Police Station University, District Gwalior for offence under Sections 365, 366-A, 376, 506 of IPC and Section 3 /4 of POCSO Act, in which applicants were extended benefit of bail by the trial Court itself. In fact, the applicants have lend a loan to mother of prosecutrix during lockdown and when they demanded their money back, the aforesaid false case has been got registered and when in that case, applicants were extended benefit of bail by the trial Court itself, to put the applicants behind the bar again, this false case has been got registered on false pretext. Applicants are innocent and falsely implicated on the basis of registration of offence as referred above. Complainant is wife of applicant No. 1

Vishal. Complaint has been lodged on 18/7/2023 stating the incident of dated 13/7/2023 and no plausible explanation regarding delay in lodging the FIR has been given. Applicants were not present on spot at the time of alleged incident, and in support their of their call details report has also been filed. Applicants do not have any criminal past and if they do not extended the benefit of anticipatory bail then they will have to face social inconvenience. On these grounds, prayer for anticipatory bail is made out.

Learned counsel for the State opposed the prayer made by the applicant and prayed for its rejection.

Heard.

Perused the case diary.

Considering the submissions and facts and circumstances of the case, this Court is inclined to allow the application under Section 438 of Cr.P.C. It is directed that applicants shall be released on bail in case of their arrest on furnishing personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) each with one solvent surety each in the like amount to the satisfaction of Arresting Authority/ Investigating Officer.

Application stands allowed and disposed of.

Certified copy as per rules.